

November 29, 2023

American Historical Association Statement in Opposition to Ohio S. B. 83

Presented to the Ohio House Higher Education Committee

As an interested party, the American Historical Association registers strong objection to Ohio Senate Bill 83 in its current substitute version (I_135_0330-11). This unwieldy omnibus of contradictory mandates would not only enable but even *require* classroom-level intervention by state officials. This will undermine the integrity of education in Ohio's public universities.

The AHA does not disagree in principle with SB 83's goal to ensure that faculty "not seek to indoctrinate any social, political, or religious point of view." Classrooms must be spaces where students can experiment with ideas without worrying about ideological boundaries, places where teachers stimulate students to explore freely without inculcating anything other than the value of intellectual curiosity and disciplinary rigor and ethics.

But how does SB 83's rhetoric get translated into reasonable and effective practice? Who will decide what constitutes "indoctrination"? Does assigning the Bible constitute religious indoctrination? One assumes not. Nor would there be a violation of the law when concerned Ohioans encounter the searchable syllabi that require students to read Aristotle, Darwin, Marx, Mao, Luther, Nkrumah, Confucius, Friedan, the diaries of slaveholders, Nazis, revolutionaries across time and space, and other texts necessary to understanding the social, political, and religious points of view that have shaped human history (for better or for worse).

What is the enforcement mechanism? We don't agree that SB 83's requirement that universities publish all course syllabi in a format "searchable by keywords and phrases" is appropriate to the stated goal of the legislation. Nor will it be effective. Course syllabi at public universities are already public documents and should be readily accessible. Many faculty already publish these online. Mandating that universities enable anyone with a computer to scan all courses for individual words or phrases serves no obvious purpose beyond creating a tool for anyone with internet access to seek out and challenge faculty who mention topics, concepts, people, or sources with which they disagree. Even the most skilled syllabus searches will not find a syllabus instruction to "read and agree with the principles articulated by Martin Luther or Niccolò Machiavelli."

Hence, one wonders what the overseers will be looking for. Any respectable course in US history will include references to racism, white supremacy, nativism, religious bigotry, gender discrimination, class conflict, forced migrations, and other terms likely to raise eyebrows of guardians of a version of history devoid of conflict and division. Freedom, innovation, liberty, democracy, dissent, markets, and other concepts that characterize admirable aspects of our national past would also be part of that course. The practical implications of this mechanism run counter to the bill's frequent guarantees of ideological diversity. Legislation mandating government surveillance more closely resembles the Soviet Union or Communist China than a public university system in the United States.

This bill is especially alarming in its implications for history and historians. While the AHA applauds the initiative to require all students at public universities to complete at least three credit hours in American government or American history, we have serious concerns about the rationale behind the specificity with which the legislators have spelled out what this course should look like. SB 83 stipulates that all faculty must assign ten specific historical sources in their entirety and that students must "pass a cumulative final examination at the conclusion of the course that assesses student proficiency about the documents" required under law. Historians of the United States need little encouragement to discuss any of these documents. But many universities opt to divide US history into a two-course sequence, enabling faculty to devote adequate time and attention to the significance of transformational texts, as well as the richly layered context in which they were produced. This bill takes fundamental decisions about the content and structure of a core general education course out of the hands of qualified faculty and departments, forcing educators to prioritize the wishes of the state legislature over the needs and interests of our students. From our vantage point, the course requirement in this legislation will do more to boost the rate of failure in general education courses than to improve the civic and historical awareness of Ohio's public university students.

The AHA affirms the principle that students, faculty, and academic departments are much better situated than state legislators to make decisions about how we learn history and how best to assess that knowledge. Our organization urges your committee to heed the world-class faculty at Ohio's public universities and remove—or at the very least soften—these provisions about required readings and the final exam. If you wish to connect the American Revolution and Founding Era (7 texts) through the Civil War (2 texts) and the modern Civil Rights Movement (1 text), we advise expanding this requirement to a two-course (6 credit hour) sequence and authorize funding to hire additional full-time instructional faculty with appropriate expertise to teach sections of these courses.

This is not an isolated example. Throughout the bill, a series of mandates repeatedly insert the will and judgement of politically appointed boards of trustees into the fundamental work of university faculty, carving out troubling new exceptions to academic freedom without any clear benefit. SB 83 offers insistent and repeated assertions that government intervention is necessary to cultivate "intellectual diversity" in public universities. On its surface, the text of the bill trumpets the free exchange of ideas. Yet each sentence proclaiming that the bill respects academic freedom includes a clause that starts with "unless," "so long as," or "except," eroding the extent to which educators (and, by extension, students) are permitted to entertain potentially controversial ideas. In the end, trustees—several steps removed from the classroom—gain broad authority to adjudicate just what qualifies as "the exercise of

professional judgement about whether to endorse the consensus or foundational beliefs of an academic discipline.”

This is particularly alarming given that universities already have an extensive system in place to evaluate faculty performance, mediate institutional grievances, and govern themselves in accordance with widely held principles. The series of restrictions and requirements at the heart of S. B. 83 amount to a poorly conceived solution to an imaginary problem. Universities already have procedures in place to oversee decisions about course approval, general education, assigned readings, classroom discussion, promotion, and hiring. Inviting political appointees to intervene, overrule, and punish faculty will merely make it easier for public interest groups and politicians—of either party—to weed out faculty with whom they disagree.

“Nothing” among S. B. 83’s many new restrictions, the bill promises, “prohibits faculty or students from classroom instruction, discussion, or debate.” Or rather, nothing “so long as” trustees conclude that “faculty members remain committed to expressing intellectual diversity and allowing intellectual diversity to be expressed.” What does this mean what a college instructor can or cannot address in a history course? If a college instructor assigns an abolitionist tract, will they need to balance this with a requirement to read proslavery sources? Is this significant legislative carveout necessary? Does this mandate buttress the free exchange of ideas at the core of the American system of public higher education? We have serious doubts.

American history is steeped in divisions and conflicts shaped by ideas about race and by cultures and institutional structures that perpetuate those divisions. **This is fact, not theory or ideology.** To ignore, or even minimize, those divisions render it impossible to create the bridges and webs of connection necessary to maintain national unity. To heal wounds requires acknowledging, locating, and understanding them.

Healing, however, is not the purpose of this legislation. Though this legislation might appear to respond to public concerns about history education, it does not. Professional, nonpartisan survey data indicate overwhelming and bipartisan public support for what most history educators actually teach on this subject: that slavery and racism have played a key role in shaping American history, and that their influence reverberates into the present. According to a recent national survey (historians.org/history-culture-survey) conducted by the AHA and Fairleigh Dickinson University, three-quarters of both Republicans and Democrats support teaching history about “harm that some groups did to others,” even if it causes students some discomfort.

SB 83 would do significant harm to college students and employers in Ohio. Through extensive work on career preparedness in history classrooms, the AHA has documented that the aspect of history education employers value most is students’ ability to communicate with and understand people from different backgrounds.

SB 83, however, is not only a danger to the quality of history education. It poses a threat to public higher education itself. It would inappropriately inject university boards of trustees into decisions about faculty

hiring and work responsibilities—an intrusion across the boundary of governance and management in any nonprofit entity.

With more than 11,000 members, the AHA is the largest membership association of professional historians in the world. Founded in 1884 and incorporated by Congress in 1889 for the promotion of historical studies, the Association provides leadership for the discipline, helps to sustain and enhance the work of historians, and promotes the imperative of historical thinking in public life.

Everything has a history. If passed, SB 83 would undermine the quality of public higher education in Ohio by preventing qualified instructors from teaching honest and accurate history in courses that serve the needs of our students.

Sincerely,

A handwritten signature in black ink, appearing to read "James Grossman". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

James Grossman
Executive Director